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Crime prevention and criminal justice

Action against corruption

Note by the Secretariat

By its resolution 1999/22, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Action against corruption". the text of the draft resolution is reproduced below.

The General Assembly,

Noting the corrosive effect that corruption has on democracy, development, the rule of law and economic activity,

Recognizing that corruption is a primary tool of organized crime in its efforts, often conducted on an international basis, to subvert Governments and legitimate commerce,

Drawing attention to the increasing number of regional conventions and other regional instruments recently developed to fight corruption, including the Organisation for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, done at Paris on 17 December 1997, the Inter-American Convention against Corruption, adopted by the Organization of American States on 29 March 1996[1] the Principles to Combat Corruption in African Countries of the Global Coalition for Africa, the Council of Europe Criminal Law Convention on Corruption and Agreement Establishing the Group of States against Corruption, the conventions and related protocols on corruption of the European Union and recommendation 32 of the Senior Experts Group on Transnational Organized Crime, endorsed by the Group of Eight in Lyon, France, in June 1996, as well as to best practices, such as those compiled by the Financial Action Task Force on Money Laundering, the Basel Committee on Banking Supervision and the International Organization of Securities Commissions,

[1] See E/1996/99

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Commending the efforts in the United Nations to address corruption concerns in a global forum, including the United Nations Declaration against Corruption and Bribery in International Commercial Transactions[2] and the International Code of Conduct for Public Officials,[3] the ongoing development of a comprehensive international convention against transnational organized crime and protocols thereto by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, established pursuant to General Assembly resolution 53/111 of 9 December 1998, and the manual prepared by the Secretariat on practical measures against corruption,

Noting the Expert Group Meeting on Corruption and Its Financial Channels, held in Paris from 30 March to 1 April 1999, pursuant to Economic and Social Council resolution 1998/16 of 28 July 1998,

Noting also the Global Forum on Fighting Corruption, held in Washington, D.C., from 24 to 26 February 1999 at the invitation of the Vice-President of the United States of America, at which participants from ninety Governments called upon their Governments to cooperate in regional and global bodies to adopt effective anti-corruption principles and practices[4] and to create ways to assist one another through mutual evaluation,

1. *Takes note with appreciation* of and subscribes to the conclusions and recommendations of the Expert Group Meeting on Corruption and Its Financial Channels, held in Paris from 30 March to 1 April 1999, which are contained in the report of the Expert Group Meeting;[5]

2. *Also takes note with appreciation* of the Declaration made by the first Global Forum on Fighting Corruption, held in Washington, D.C., from 24 to 26 February 1999,[6] and notes that the second Global Forum on Fighting Corruption is to be held in the Netherlands in 2000 as follow-up to the first Global Forum on Fighting Corruption;

3. *Invites* Member States to examine, at the national level, as appropriate, taking into account the above-referenced documents, the adequacy of their domestic legal regimes in terms of guarding against corruption and providing for forfeiture of the proceeds of corruption, drawing upon international assistance available for that purpose, with a view to, where necessary:

(a) Strengthening national laws and regulations in order to criminalize corruption in all its forms, amending provisions against money-laundering so that they cover bribes and the proceeds of corruption, as well as provisions concerning the prevention and detection of acts of corruption and money-laundering;

(b) Improving the transparency, vigilance and monitoring of financial transactions and limiting bank and professional secrecy in cases involving criminal investigation;

(c) Promoting both inter-agency coordination and international administrative and judicial cooperation in matters involving corruption;

(d) Enacting legislation and establishing programmes promoting the full involvement of civil society in efforts to fight corruption;

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[2] General Assembly resolution 51/191, annex.

[3] General Assembly resolution 51/59, annex.

[4] E/CN.15/1999/CRP.12.

[5] E/CN.15/1999/10, paras. 1-14.

[6] E/CN.15/1999/WP.1/Add.1.

(e) In accordance with relevant international instruments and domestic legislation, providing for the possibility of providing extradition and mutual assistance in cases involving corruption or money-laundering;

4. *Stresses* the need to develop a global strategy to strengthen international cooperation aimed at the prevention and punishment of corruption, including the links of corruption with organized crime and money-laundering, by:

(a) Encouraging Member States to become parties to, and to implement the terms of, relevant international conventions and other instruments aimed at fighting corruption;

(b) Inviting Member States to participate in conferences and other forums for the advancement of international efforts against corruption;

(c) Also inviting Member States to explore the possibilities of developing a global system for peer review regarding the adequacy of practices aimed at combating corruption;

5. *Directs* the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime to incorporate into the draft Convention measures against corruption linked to organized crime, including provisions regarding the sanctioning of acts of corruption involving public officials;

6. *Requests* the Ad Hoc Committee, using such time as its schedule permits and with extrabudgetary resources provided for that purpose, to explore the desirability of an international instrument against corruption, either ancillary to or independent of the Convention, to be developed after the finalization of the Convention, and the three additional instruments referred to in General Assembly resolution 53/111 and to present its views to the Commission on Crime Prevention and Criminal Justice;

7. *Invites* Member States to keep the Office for Drug Control and Crime Prevention of the Secretariat informed of progress made in the implementation of the recommendations of the Expert Group Meeting on Corruption and Its Financial Channels;

8. *Requests* the Office for Drug Control and Crime Prevention:

(a) To ensure that the ongoing revision of the manual prepared by the Secretariat on practical measures against corruption incorporates the recommendations of the Expert Group Meeting on Corruption and Its Financial Channels and takes note of the conclusions of the first Global Forum on Fighting Corruption;

(b) To continue to develop, in consultation with Member States, an effective global programme for providing technical assistance to fight corruption;

(c) To explore ways to convince underregulated financial centres to adopt rules enabling them to trace and take action against the proceeds of organized crime and corruption, to participate actively in international cooperation aimed at preventing and controlling related forms of financial crime and, if necessary, to consider measures to protect the international financial system from the underregulated financial centres and of mechanisms for the establishment of such minimum rules;

(d) To report to the Commission on Crime Prevention and Criminal Justice no later than at its tenth session on the progress made in the implementation of the present resolution and the steps taken by Member States to combat corruption and its proceeds;

9. *Requests* the Secretary-General to undertake, within existing or extrabudgetary resources, technical cooperation activities to combat corruption, in consultation with Member States that may be able to provide assistance.